

REFERENCE TITLE: political candidates; proof of citizenship

State of Arizona
Senate
Forty-ninth Legislature
First Regular Session
2009

SB 1053

Introduced by
Senator Harper

AN ACT

AMENDING SECTIONS 16-311, 16-312 AND 16-341, ARIZONA REVISED STATUTES;
RELATING TO NOMINATING PROCEDURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 16-311, Arizona Revised Statutes, is amended to read:

16-311. Nomination papers; filing; citizenship affidavit; definitions

A. Any person desiring to become a candidate at a primary election for a political party and to have the person's name printed on the official ballot shall be a qualified elector of such party and, not less than ninety nor more than one hundred twenty days before the primary election, shall sign and cause to be filed a nomination paper giving the person's actual residence address or description of place of residence and post office address, naming the party of which the person desires to become a candidate, stating the office and district or precinct, if any, for which the person offers the person's candidacy, stating the exact manner in which the person desires to have the person's name printed on the official ballot pursuant to subsection G, and giving the date of the primary election and, if nominated, the date of the general election at which the person desires to become a candidate. A candidate for public office shall be a qualified elector at the time of filing and shall reside in the county, district or precinct ~~which~~ THAT the person proposes to represent.

B. Any person desiring to become a candidate at any nonpartisan election and to have the person's name printed on the official ballot shall be at the time of filing a qualified elector of such county, city, town or district and, not less than ninety nor more than one hundred twenty days before the election, shall sign and cause to be filed a nomination paper giving the person's actual residence address or description of place of residence and post office address, stating the office and county, city, town or district and ward or precinct, if any, for which the person offers the person's candidacy, stating the exact manner in which the person desires to have the person's name printed on the official ballot pursuant to subsection G and giving the date of the election. A candidate for office shall reside at the time of filing in the county, city, town, district, ward or precinct ~~which~~ THAT the person proposes to represent.

C. Notwithstanding THE PROVISIONS OF subsection B to the contrary, any city or town may adopt by ordinance for its elections the time frame provided in subsection A for filing nomination petitions. Such ordinance shall be adopted not less than one hundred twenty days before the first election to which it applies.

D. All persons desiring to become a candidate shall file with the nomination paper provided for in subsection A an affidavit, which shall be printed in a form prescribed by the secretary of state. The affidavit shall include facts sufficient to show that, other than the residency requirement provided in subsection A, the candidate will be qualified at the time of election to hold the office the person seeks.

1 E. The nomination paper of a candidate for the office of United States
2 senator or representative in Congress, for the office of presidential elector
3 or for a state office, including a member of the legislature, or for any
4 other office for which the electors of the entire state or a subdivision of
5 the state greater than a county are entitled to vote, shall be filed with the
6 secretary of state no later than 5:00 p.m. on the last date for filing.

7 F. The nomination paper of a candidate for superior court judge or for
8 a county, district and precinct office for which the electors of a county or
9 a subdivision of a county other than an incorporated city or town are
10 entitled to vote shall be filed with the county elections officer no later
11 than 5:00 p.m. on the last date for filing as prescribed by subsection A.
12 The nomination paper of a candidate for a city or town office shall be filed
13 with the city or town clerk no later than 5:00 p.m. on the last date for
14 filing. The nomination paper of a candidate for school district office shall
15 be filed with the county school superintendent no later than 5:00 p.m. on the
16 last date for filing.

17 G. The nomination paper shall include the exact manner in which the
18 candidate desires to have the person's name printed on the official ballot
19 and shall be limited to the candidate's surname and given name or names, an
20 abbreviated version of such names or appropriate initials such as "Bob" for
21 "Robert", "Jim" for "James", "Wm." for "William" or "S." for "Samuel".
22 Nicknames are permissible, but in no event shall nicknames, abbreviated
23 versions or initials of given names suggest reference to professional,
24 fraternal, religious or military titles. No other descriptive name or names
25 shall be printed on the official ballot, except as provided in this section.
26 Candidates' abbreviated names or nicknames may be printed within quotation
27 marks. The candidate's surname shall be printed first, followed by the given
28 name or names.

29 H. A PERSON WHO FILES A NOMINATION PAPER SHALL SUBMIT AN AFFIDAVIT
30 WITH THE NOMINATION PAPER THAT STATES THE PERSON'S CITIZENSHIP AND SHALL
31 APPEND TO THE AFFIDAVIT DOCUMENTS THAT PROVIDE PROOF OF THE PERSON'S
32 CITIZENSHIP.

33 ~~H.~~ I. A person who does not file a timely nomination paper that
34 complies with this section is not eligible to have the person's name printed
35 on the official ballot for that office. The filing officer shall not accept
36 the nomination paper of a candidate for state or local office unless the
37 person provides or has provided all of the following:

- 38 1. The nomination petition required by this title.
- 39 2. A political committee statement of organization or the five hundred
40 dollar threshold exemption statement for that office.
- 41 3. The financial disclosure statement as prescribed for candidates for
42 that office.

43 ~~I.~~ J. For the purposes of this title:

- 44 1. "Election district" means the state, any county, city, town,
45 precinct or other political subdivision or a special district ~~which~~ THAT is

not a political subdivision, ~~which~~ THAT is authorized by statute to conduct an election and ~~which~~ THAT is authorized or required to conduct its election in accordance with this title.

2. "Nomination paper" means the form filed with the appropriate office by a person wishing to declare the person's intent to become a candidate for a particular political office.

Sec. 2. Section 16-312, Arizona Revised Statutes, is amended to read:

16-312. Filing of nomination papers for write-in candidates; citizenship affidavit

A. Any person desiring to become a write-in candidate for an elective office in any election shall file a nomination paper, signed by the candidate, giving the person's actual residence address or description of place of residence and post office address, age, length of residence in the state and date of birth. A PERSON WHO FILES A NOMINATION PAPER PURSUANT TO THIS SECTION SHALL SUBMIT AN AFFIDAVIT WITH THE NOMINATION PAPER THAT STATES THE PERSON'S CITIZENSHIP AND SHALL APPEND TO THE AFFIDAVIT DOCUMENTS THAT PROVIDE PROOF OF THE PERSON'S CITIZENSHIP.

B. A write-in candidate shall file the nomination paper not later than 5:00 p.m. on the fortieth day ~~prior to~~ BEFORE the election, except that:

1. A candidate running as a write-in candidate as provided in section 16-343, subsection D shall file the nomination paper not later than 5:00 p.m. on the fifth day before the election.

2. A candidate running as a write-in candidate for an election that may be canceled pursuant to ~~sections~~ SECTION 15-424, 16-822, 48-802, 48-1012, 48-1208, 48-1404, 48-1908, 48-2010, 48-2107 or 48-2208 shall file the nomination paper not later than 5:00 p.m. on the seventy-sixth day before the election.

C. The write-in filing procedure shall be in the same manner as prescribed in section 16-311. Any person who does not file a timely nomination paper shall not be counted in the tally of ballots. The filing officer shall not accept the nomination paper of a candidate for state or local office unless the candidate provides or has provided both of the following:

1. A political committee statement of organization or the five hundred dollar threshold exemption statement for that office.

2. The financial disclosure statement as prescribed for candidates for that office.

D. The secretary of state shall notify the various boards of supervisors as to write-in candidates filing with the secretary of state's office. The county school superintendent shall notify the appropriate board of supervisors as to write-in candidates filing with the superintendent's office. The board of supervisors shall notify the appropriate election board inspector of all candidates who have properly filed such statements. In the case of a city or town election, the city or town clerk shall notify the appropriate election board inspector of candidates properly filed. No other

1 write-ins shall be counted. The election board inspector shall post the
2 notice of official write-in candidates in a conspicuous location within the
3 polling place.

4 E. Except as provided in section 16-343, subsection E, a candidate may
5 not file pursuant to this section if any of the following applies:

6 1. For a candidate in the general election, the candidate ran in the
7 immediately preceding primary election and failed to be nominated to the
8 office sought in the current election.

9 2. For a candidate in the general election, the candidate filed a
10 nomination petition for the immediately preceding primary election for the
11 office sought and failed to provide a sufficient number of valid petition
12 signatures as prescribed by section 16-322.

13 3. For a candidate in the primary election, the candidate filed a
14 nomination petition for the current primary election for the office sought
15 and failed to provide a sufficient number of valid petition signatures as
16 prescribed by section 16-322.

17 4. For a candidate in the general election, the candidate filed a
18 nomination petition for nomination other than by primary for the office
19 sought and failed to provide a sufficient number of valid petition signatures
20 as prescribed by section 16-341.

21 F. A person who files a nomination paper pursuant to this section for
22 the office of president of the United States shall designate in writing to
23 the secretary of state at the time of filing the name of the candidate's
24 vice-presidential running mate, the names of presidential electors who will
25 represent that candidate and a statement signed by the vice-presidential
26 running mate and designated presidential electors that indicates their
27 consent to be designated. A nomination paper for each presidential elector
28 designated shall be filed with the candidate's nomination paper. The number
29 of presidential electors shall equal the number of United States senators and
30 representatives in Congress from this state.

31 Sec. 3. Section 16-341, Arizona Revised Statutes, is amended to read:

32 16-341. Nomination petition; method and time of filing; form;
33 qualifications and number of petitioners required;
34 citizenship affidavit

35 A. Any qualified elector who is not a registered member of a political
36 party that is recognized pursuant to this title may be nominated as a
37 candidate for public office otherwise than by primary election or by party
38 committee pursuant to this section.

39 B. This article shall not be used to place on the general election
40 ballot the name of a political party which fails to meet the qualifications
41 specified in section 16-802 or 16-804, or the name of any candidate
42 representing such party or the name of a candidate who has filed a nomination
43 petition in the immediately preceding primary election and has failed to
44 qualify as the result of an insufficient number of valid signatures.

C. A nomination petition stating the name of the office to be filled, the name and residence of the candidate and other information required by this section shall be filed at the same time and with the same officer with whom primary nomination papers and petitions are required to be filed as prescribed in section 16-311. The petition shall be signed only by voters who have not signed the nomination petitions of a candidate for the office to be voted for at that primary election.

D. The nomination petition shall be in substantially the following form:

"The undersigned, qualified electors of _____ county, state of Arizona, do hereby nominate _____, who resides at _____ in the county of _____, as a candidate for the office of _____ at the general (or special, as the case may be) election to be held on the _____ day of _____, _____.

I hereby declare that I have not signed the nomination petitions of any candidate for the office to be voted for at this primary election, and I do hereby select the following designation under which name the said candidate shall be placed on the official ballot (here insert such designation not exceeding three words in length as the signers may select)."

E. The nomination petition shall conform as nearly as possible to the provisions relating to nomination petitions of candidates to be voted for at primary elections and shall be signed by at least the number of persons who are registered to vote determined by calculating three per cent of the persons who are registered to vote of the state, county, subdivision or district for which the candidate is nominated who are not members of a political party that is qualified to be represented by an official party ballot at the next ensuing primary election and accorded representation on the general election ballot.

F. The percentage of persons who are registered to vote necessary to sign the nomination petition shall be determined by the total number of registered voters from other than political parties that are qualified to be represented by an official party ballot at the next ensuing primary election and accorded representation on the general election ballot in the state, county, subdivision or district on March 1 of the year in which the general election is held. Notwithstanding the method prescribed by subsection E of this section and this subsection for calculating the minimum number of signatures necessary, any person who is registered to vote in the state, county, subdivision or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.

1 G. A PERSON WHO FILES A NOMINATION PETITION PURSUANT TO THIS SECTION
2 SHALL SUBMIT AN AFFIDAVIT WITH THE NOMINATION PETITION THAT STATES THE
3 PERSON'S CITIZENSHIP AND SHALL APPEND TO THE AFFIDAVIT DOCUMENTS THAT PROVIDE
4 PROOF OF THE PERSON'S CITIZENSHIP.

5 ~~G.~~ H. For the purposes of this section, a nomination petition for the
6 office of presidential elector shall include a group of names of candidates
7 equal to the number of United States senators and representatives in Congress
8 from this state instead of separate nomination petitions for each candidate
9 for the office of presidential elector. A valid signature on a petition
10 containing a group of presidential electors candidates is counted as a
11 signature for the nomination of each of the candidates. The presidential
12 candidate whom the candidates for presidential elector will represent shall
13 designate in writing to the secretary of state the names of the candidates
14 who will represent the presidential candidate before any signatures for the
15 candidate can be accepted for filing.

16 ~~H.~~ I. A person who files a nomination paper pursuant to this section
17 for the office of president of the United States shall designate in writing
18 to the secretary of state at the time of filing the name of the candidate's
19 vice-presidential running mate, the names of the presidential electors who
20 will represent that candidate and a statement that is signed by the
21 vice-presidential running mate and the designated presidential electors and
22 that indicates their consent to be designated. A nomination paper for each
23 presidential elector designated shall be filed with the candidate's
24 nomination paper. The number of presidential electors shall equal the number
25 of United States senators and representatives in Congress from this state.

26 ~~I.~~ J. A candidate who does not file a timely nomination petition that
27 complies with this section is not eligible to have the candidate's name
28 printed on the official ballot for that office. The filing officer shall not
29 accept the nomination paper of a candidate for state or local office unless
30 the candidate provides or has provided all of the following:

- 31 1. The nomination petition required by this title.
- 32 2. A political committee statement of organization or the five hundred
33 dollar threshold exemption statement for that office.
- 34 3. The financial disclosure statement as prescribed for candidates for
35 that office.